

REMARKS

Summary of Office Action

As an initial matter, Applicants note with appreciation that the Examiner has indicated consideration of the Information Disclosure Statements filed November 9, 2007 and January 22, 2008 by returning signed copies of the Forms PTO-1449 submitted therein.

Applicants further note with appreciation that the Examiner has acknowledged the claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f) and the receipt of certified copies of the priority documents from the International Bureau.

Claims 21, 23 and 24 are objected to.

Claims 1-19 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jashuda et al. (JP 7-330560) and Albacarys et al., U.S. Patent No. 6,338,855, in view of European Cosmetic Markets (The Magic of Molluscs, February 2004).

Response to Office Action

Applicants note that while “claims 1-19” are rejected according to the top of page 4 of the present Office Action, the rejection itself appears to make reference to not only some of claims 12-19 (claims 1-11 are cancelled) but also to some of the remaining claims 20-31. The Office Action Summary (incorrectly) states that claims 1-19 are pending in the application but does not indicate at all which claims are rejected, let alone which of claims 12-31 are rejected. Accordingly, Applicants are unable to discern which of the currently pending claims are rejected.

In view of the foregoing, Applicants respectfully request that a further non-final Office Action be issued wherein the claims which are currently pending and rejected are identified.

Thereafter, Applicants will also address the objections to claims 21, 23 and 24 in order to avoid unnecessary duplication of work.

Additionally, Applicants note that the present Office Action refers to European Cosmetic Markets (The Magic of Molluscs, February 2004). In this regard, Applicants note that the present application is the National Stage of an International Application which was filed on September 11, 2004, i.e., less than one year after the publication date of the European Cosmetic Markets document.

Moreover, the present application claims priority of, *inter alia*, German Application No. 103 54 316, which was filed on November 20, 2003, i.e., before the publication date of the European Cosmetic Markets document.

Applicants herewith submit a verified English language translation of German Application No. 103 54 316. It is believed that all claims of the priority application are supported by the German priority application. In view thereof, the European Cosmetic Markets document cited in the present Office Action does not qualify as prior art for any of the claims of record.

CONCLUSION

In view of the foregoing, it is believed that all of the claims in this application are in condition for allowance, which action is respectfully requested. If any issues yet remain which can be resolved by a telephone conference, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Respectfully submitted,
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